

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 7826

BILL NUMBER: HB 1738

DATE PREPARED: Jan 8, 2001

BILL AMENDED:

SUBJECT: Public Records and Open Meetings.

FISCAL ANALYST: John Parkey

PHONE NUMBER: 232-9854

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State

Summary of Legislation: This bill does the following:

- 1) It allows a member of a governmental body to participate in a public meeting by telephone or video conferencing.
- 2) It prohibits the Public Access Counselor from issuing an advisory opinion or a written response to an informal inquiry concerning a record or meeting that is:
 - (A) the subject of a pending lawsuit under the open door law or the access to public records law; or
 - (B) the subject of discovery in pending litigation in any court.
- 3) It requires a public agency to charge the actual cost of copying a videotape, an audiotape, a photograph, or similar media. The bill allows a public agency to collect a postage expense that exceeds \$1 for mailing public records.
- 4) It requires memoranda to be available within 48 hours after the close of the meeting. The bill requires minutes to be available to the public in draft or final form. The bill specifies that serial meetings are public meetings. The bill prohibits a public agency from giving a private person or entity custody of a public record for the purpose of avoiding disclosure of the record.
- 5) The bill excludes certain information from the "deliberative material" exemption from the public records law.
- 6) The bill makes other changes in the public access and public records laws and also makes technical amendments.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (1) These provisions would allow a member of a governing body to participate in a meeting through the use of conferencing technology that allows all members of a governing body and all members of the public present at the meeting to simultaneously communicate with each other during the meeting. If members of governing bodies were to use this technology more frequently, governing bodies could reduce travel expenditures.

(2) This provision may cause a minimal reduction in the workload of the Public Access Counselor.

(4) This provision could increase the administrative burden on public agencies which supply minutes and memoranda on public meetings.

Explanation of State Revenues: (3) These provisions could have a slight increase in revenues for public agencies in so far as the bill clarifies what products and services public agencies may charge consumers who request information. (Current law does not explicitly state whether or not public agencies may recoup postage costs or costs associated with the duplication of certain types of media.)

Explanation of Local Expenditures: This bill impacts agencies at both the state and local level.

Explanation of Local Revenues: This bill impacts agencies at both the state and local level.

State Agencies Affected: All; Public Access Counselor.

Local Agencies Affected: All.

Information Sources: Anne Mullin O'Connor, Public Access Counselor, 233-9435.